



City of Chicopee, Massachusetts

License Commission

Donald Goulette, Chairman
Robert Borowiec
James Grise
Donald Derosia

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Minutes for April 21, 2011

In attendance: Chairman Goulette, Commissioners Grise and Derosia. Also present Atty. Tom Rooke

Minutes for March are presented to the Board. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0

Hearing for Blue Sky Diner

Count 1-Police Report of operating without a Restaurant All Alcohol license

Count 2-Failure to pay 2010 and 2011 personal property taxes in accordance with City Code Chapter 189§189-1 *The purpose of this chapter is to control the denials of any application for, or revocation or suspension of, any local license or permit, including renewals and transfers, issued by any board, officer, or department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges or with respect to any activity, event or other matter which is the subject of such license or permit which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose own*

Count 3-Failure to pay 2010 personal property taxes in accordance with City Code Chapter 189-5 Payment Agreement; *failure to comply Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.*

Count 4- Unauthorized Change of D/B/A in Violation of Chicopee Policy and Procedures 1.06 Business Arrangements of Licensees *o.Licensees shall not use any trade name, assumed name, or abbreviated name in connection with the licensed business unless the same appears on the license certificate issued by the Chicopee License Commission or unless written permission is first obtained from the Chicopee License Commission. The use of any unauthorized name on the books, records, stationery, or interior or exterior of the licensed premises or for advertising purposes or telephone listing is prohibited unless permission is first obtained from the Chicopee License Commission.*

In attendance: Remzi Gok, Atty. Szlachetka and Det. Michael Dion. Det. Dion reads his report to the Commission. Atty. Szlachetka informs the Board that Mr. Gok thought he was in compliance. He has complied with the liquor liability insurance requirements. Chairman Goulette asks if they have made any effort to pay the taxes. The Commission will not issue licenses unless the taxes are paid that is why he did not have licenses. Mr. Gok informs the Commission that business was very bad this winter and he was not able to make any payments on his tax bill. He is waiting for a payment from the base. Chairman Goulette says that he is behind for 2 years on personal property taxes. Commissioner Derosia has an issue with the non-payment. He questions if Mr. Gok ever talked to anybody about this situation. Some attempt could have been made to pay something on the taxes owed. Commissioner Grise questions why the paperwork was not filed for the change of D/b/a. This is required paperwork. Atty. Szlachetka states that her client had attempted to file the paperwork but because of issues with the License Commission he could not. Mr. Gok stated he attempted to file the paperwork with the City Clerk's office but they would not accept it. Atty. Rooke questions why the Clerks office would not accept the paperwork. Commissioner Derosia wants Ms. Taillefer to find out why the paperwork was not accepted. Atty. Szlachetka informs the Commission that \$750.00 is too much for her client to pay at this time and would like to approach the tax board to lower the payment. Chairman Goulette states that

there is so much money owed at this point that \$750.00 wouldn't be sufficient at this time. Mr. Gok is disputing the tax bill as he does not have the equipment that he was taxed on. This is an issue that he has discussed with the Assessors. Commissioner Derosia states that Mr. Gok entered into a payment arrangement and he did not comply with this arrangement. Chairman Goulette asks Mr. Gok if he stipulates to Count 1 operating without a Restaurant All Alcohol license without a license. Mr. Gok agrees he was operating without a license. Commissioner Derosia makes a motion that there is sufficient evidence the there was a violation of Count 1 operating without a Restaurant All Alcohol license. Commissioner Grise seconds. Motion approved 3-0. Chairman Goulette asks Mr. Gok if he stipulates to the fact that he is violation of Count 2-Failure to pay 2010 and 2011 personal property taxes in accordance with City Code Chapter 189-1. Mr. Gok agrees he is in violation. Commissioner Derosia makes a motion that there is sufficient evidence the there was a violation of Count 2-Failure to pay 2010 and 2011 personal property taxes in accordance with City Code Chapter 189-1. Commissioner Grise seconds. Motion approved 3-0. Chairman Goulette asks Mr. Gok if he stipulates to the fact that he is in violation of Count 3-Failure to pay 2010 personal property taxes in accordance with City Code Chapter 189-5 Payment Agreement. Mr. Gok agrees he is in violation. Commissioner Derosia makes a motion that there is sufficient evidence the there was a violation of Count 3-Failure to pay 2010 personal property taxes in accordance with City Code Chapter 189-5 Payment Agreement. Commissioner Grise seconds. Motion approved 3-0. Commissioner Derosia makes a motion to table Count 4- Unauthorized Change of D/B/A in Violation of Chicopee Policy and Procedures 1.06 Business Arrangements of Licensees. Commissioner Grise seconds. Motion approved 3-0. Chairman Goulette feels that because taxes are so badly in arrears that Mr. Gok should be closed immediately. Atty. Rooke advises the Board that they are here to consider the alcohol license and Mr. Gok can remain open for business to sell food or soda but all alcohol must be removed from view if that is the commission's decision. Commissioner Derosia is very concerned that a payment arrangement was made and no attempt was made to honor it. He feels it would be a hardship to close the business completely because then there would not be any revenue coming in. He is willing to allow a new payment arrangement to be made. This office must be notified of the arrangement and if it is not honored there will be severe consequences. Mr. Gok will seek a new payment arrangement and business is picking up. As long as business is good then the arrangement can be honored. Atty. Rooke advises the Board that there are 2 separate issues, the license renewal and the tax issue. He failed to renew his license in the time frame allowed. Commissioner Grise feels the license should be suspended for 3 days for the violation of operating without a license. Chairman Goulette informs Mr. Gok that they are not trying to hurt his business but he was operating his business for 3 weeks with being properly licensed. Commissioner Grise makes a motion to suspend the Restaurant All Alcohol license for 3 days. Commissioner Derosia seconds. Motion approved 3-0. The suspension will be served on May 16, 17,18,2011. Chairman Goulette informs Mr. Gok that the suspension will be monitored. Chairman Goulette states that a payment arrangement needs to be made. Mr. Gok agrees and will bring Ms. Taillefer a receipt. Commissioner Derosia strongly suggests that Mr. Gok speak to the Collectors office the next day to make this new arrangement. There will be no excuses accepted for not following the new arrangement. Atty. Schlaetka asks if a copy of the arrangement should be sent to the License office. Commissioners agree that it should be on file. Commissioner Derosia makes a motion to table Counts 2 and 3 until May 19, 2011 to ensure that Mr. Gok is in compliance with a new payment arrangement. Commissioner Grise seconds. Motion approved 3-0. The Commissioners reiterate that this is a very serious issue and needs to be addressed.

Hearing for Hank's Variety

Count 1- M.G.L. Chapter 138§ Section 69. - *Sale or delivery to intoxicated person(s)*

Count 2- Regulations of the ABCC 204 CMR 204-2.05: Licensed Premises (2) *No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not.*

Count 3- Chicopee Rules and Regulations-1.08 Environs of Licensed Premises a. *It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times.*

In attendance: Det. Michael Dion and Muhammad Anjum.

Det. Dion reads his report to the Commissioners. Chairman Goulette asks Mr. Anjum if he stipulates to the facts in the police report. Mr. Anjum states that yes the report is true. He thought the man might

have been drunk by the smell of his breath. Chairman Goulette asks if Mr. Anjum is TIPs certified and he responded that he was but was not at the time of the incident. Commissioner Grise makes a motion that there is a finding of a violation. Commissioner Derosia seconds. Motion approved 3-0. Chairman Goulette asks Mr. Anjum if he stipulates to the facts in Count 2 and 3. Mr. Anjum replies that he does. After speaking with Det. Dion he has become more aware of these things. Commissioner Derosia makes a motion that there is sufficient evidence of a violation of Counts 1, 2, 3 and that there be a 3 day suspension held in abeyance for 6 months provided there are no further violations. Commissioner Grise seconds. Motion approved 3-0.

Application for a Transfer of an All Alcohol Restaurant license from Pastime Cafe, Inc, D/b/a Pastime Cafe, 154 School St to Spectators Sports Bar & Grill, Corp, D/b/a Spectators Sports Bar & Grill, 154 School St with Robert Scribner as manager. In attendance: Robert Scribner and Atty. Neil Phillips. Atty. Phillips informs the Board that Mr. Scribner is purchasing the property and the business. He is aware of the TIPs requirements and the Liquor Liability Insurance requirements. He is in the process of having the insurance transferred when the transfer is approved by the ABCC. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0.

Application for a Change of Manager for Sodexho, 350 Memorial Dr with Rachel Gaffney as proposed new manager. In attendance: Rachel Gaffney. Ms. Gaffney informs the Board that she has been a part of the management team at Sodexho for a number of years. She is TIPs trained. Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 3-0.

Application for Common Victualer, Weekday Entertainment and Sunday Entertainment for Cyberzone Cafe, 1979 Memorial Dr with Angelique Bermudez as manager . Ms. Bermudez has withdrawn her application at this time. Commissioner Derosia makes a motion to accept the withdrawal. Commissioner Grise seconds. Motion approved 3-0.

Application for a Special One-Day Permit(Wine/Malt) for Aramark @ Elms College for the Nursing Students Sr. Reception to be held at the Elms College Rotunda ,291 Springfield St on May 12, 2011 from 3:00 PM until 7:00 PM with Jeffrey LeBlanc as applicant. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0.

Application for a Special One-Day Permit(Wine/Malt) for Aramark @ Elms College for the Irish Cultural Center Dinner to be held at the Elms College Dining Room ,291 Springfield St on May 21, 2011 from 5:00 PM until 10:00 PM with Jeffrey LeBlanc as applicant. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0.

Application for a Special One-Day Permit(Wine/Malt) for Aramark @ Elms College for Sr. Maureen's End of Year Party to be held at the Elms College Dining Room,291 Springfield St on May 22, 2011 from 5:00 PM until 10:00 PM with Jeffrey LeBlanc as applicant. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0.

Application for a Special One-Day Permit(Wine/Malt) for the Portuguese Club, 147 Exchange St for the Annual Memorial Day Picnic to be held on May 28 from 10:00 AM until 10:00 PM and May 29 from 11:00 AM until 10:00 PM with Francisco Claudino as manager. Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 3-0.

Renewal of a 2011 Lodging House License for Folta Properties, 62 Perkins St/111 School St. Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 3-0.

Application for Automatic Amusements for Monty's Roadhouse, 733 Chicopee St with Tim Driscoll as manager (1- Pool Table, 2- Game Gallery, 1 Skill Touch, 1- Big Buck Pro). Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 3-0.

Application for Common Victualer for Evelyn's Bakery, 8 Center St with Evelyn Vargas as manager (New) Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0.

Application for a Mobile Common Victualer for Brenda I. Perez (New). Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 3-0.

Fest of All Temporary Common Victualer

Millie's Pierogi's, Ann Kerigan, manager. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0.

Late files

Discussion on +18 or College Nights has been tabled until the May 19, 2011 meeting.

Fest of All Temporary Common Victualer

Edible Arrangements, Louise Beauchemin as manager. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0.

Application for a Special One-Day Permit(Wine/Malt) for St. Rose de Lima Parish for the Volunteer Appreciation Dinner to be held at the Church Hall ,600 Grattan St on May 13, 2011 from 5:30 PM until 11:00 PM with Aida Gaouette as applicant. Commissioner Grise makes a motion to approve and waive the fee. Commissioner Derosia seconds. Motion approved 3-0.

Request for an extension on Server Training

Lighthouse Liquors, 856 Memorial Dr. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0.

Collegian Court, 85 Park St .Commissioner Derosia makes a motion to deny the request. Commissioner Grise seconds. Motion approved 3-0.

Application for a Change of Automatic Amusements for The Rumbleseat with Bill Stetson (3 machines have been switched to a new vendor) Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0.

Filing fees are read by Commissioner Derosia.